

15407. Adulteration of oranges. U. S. v. 372 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21731. I. S. Nos. 5909-x, 5910-x. S. No. E-5965.)

On February 24, 1927, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 372 boxes of oranges, remaining in the original unbroken packages at Buffalo, N. Y., alleging that the article had been shipped by the Weirsdale Packing Co., from Weirsdale, Fla., on or about February 12, 1927, and transported from the State of Florida into the State of New York, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Paper label) "Sungold Brand A. F. G. Weirsdale Packing Co. Weirsdale, Florida," (on box) "American Fruit Growers A. F. G. Inc." The remainder of the said article was labeled in part: (Paper label) "Blue Goose A. F. G. Marketed by American Fruit Growers, Inc. Orlando, Fla. Packed by Weirsdale Packing Co., Weirsdale, Fla."

Examination of the article by this department showed that it consisted in whole or in part of frost-damaged fruit.

It was alleged in the libel that the article was adulterated, in that it consisted in whole or in part of a decomposed vegetable substance.

On February 25, 1927, the American Fruit Growers, Inc., Orlando, Fla., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, conditioned in part that it be salvaged under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15408. Adulteration and misbranding of cherry sirup and blended cherry sirup. U. S. v. 16 Cases and 12½ Cartons of Cherry Flavor and Blended Cherry Flavor. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 21336. I. S. Nos. 5592-x, 5594-x. S. No. E-5875.)

On October 19, 1926, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 16 cases of cherry sirup and 12½ cartons of blended cherry sirup, remaining in the original unbroken packages at Boston, Mass., consigned in part about July 22, 1926, and in part about July 31, 1926, alleging that the article had been shipped by the Hudson Valley Pure Food Co., Highland, N. Y., and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated, in that a substance, an imitation cherry sirup, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for the said article, and in that the article had been mixed and colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statements "Cherry Flavor," and "Blended Cherry Flavor," borne on the labels, were false and misleading and deceived and misled the purchaser, and in that the article was an imitation of another article, and was offered for sale under the distinctive name of another article.

On September 12, 1927, the United Drug Co., Boston, Mass., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, conditioned in part that it be relabeled under the supervision of this department.

W. M. JARDINE, *Secretary of Agriculture.*

15409. Adulteration of figs. U. S. v. 60 Boxes, et al., of Figs. Tried to the court and a jury. Directed verdict for the Government. Judgments of condemnation and forfeiture entered. Product released under bond. (F. & D. Nos. 21865, 21866, 21885, 21888. I. S. Nos. 13865-x, 14978-x, 14979-x, 14980-x, 16154-x, 16155-x. S. Nos. E-6101, E-6109, E-6122.)

On April 28, 29, and 30, 1927, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of